

## **Privacy Information Regarding the Use of 'Zoom' (as of 26 October 2021)**

In the following, information is provided about the video conferencing system 'Zoom', a service of Zoom Video Communications, Inc. based in the USA. You are receiving this information pursuant to Article 13 of the GDPR as pertains to the processing of your personal data in the case of

- participation in a telephone/video call ('meeting' format) or a lecture stream ('webinar' format), using Zoom created by a licensed Zoom account with an @uni-koeln.de email address, as well as
- the registration and use of licensed Zoom accounts with an @uni-koeln.de email address.

**Please note that this document will be updated if, for example, the conditions under higher education law change or reassessments are required for other reasons.**

### **Responsible**

Responsible for data protection:

University of Cologne  
Corporation under public law  
represented by the Rector  
Albertus-Magnus-Platz  
50923 Cologne

Department responsible at the University of Cologne:  
Regional Computing Centre (RRZK)  
University of Cologne  
Weyertal 121  
50931 Cologne  
rrzk-helpdesk@uni-koeln.de

### **Information to other offers and Zoom accounts without an @uni-koeln.de email address:**

The University of Cologne is only responsible for processing your personal data if you use a Zoom account with access via an @uni-koeln.de email address as a moderator or have been invited to access Zoom by someone else with such an email address.

If you do not use a Zoom account with an @uni-koeln.de email address (your personal Zoom account and in particular the basic / 'freeware' version), or if you are invited to take part in a meeting by an organizer ('host') without a Zoom account with an @uni-koeln.de email address, this person is the data controller.

As a member of the University of Cologne, please use the Zoom licence from the University only for your official activities. You can obtain this by logging in to the Zoom portal of the University of Cologne with your university account.

If you access via the Zoom website (<https://www.zoom.us>) or use a Zoom mobile app for your device, Zoom Video Communications, Inc. is responsible for processing your personal data. For contacts and information by Zoom as the data controller, please visit [www.zoom.us/docs/de-de/privacy-and-legal.html](https://www.zoom.us/docs/de-de/privacy-and-legal.html).

Contact details of the data protection officers at the University of Cologne  
Data Protection Officer at the University of Cologne  
Albertus-Magnus-Platz  
50923 Cologne  
dsb@verw.uni-koeln.de  
+49 221-470-0

### **Purposes, nature, and scope of the processing of personal data**

The University of Cologne uses Zoom to conduct telephone and video calls, remote meetings, and webinars. When you use a Zoom service, personal data is processed. Some data are necessary for the provision of the service, others are optional or depend on your communication behaviour.

Your personal data are processed to enable you to participate in communication using Zoom services, i.e. to establish and use the connection. The Zoom provider also uses certain kinds of data to maintain the functionality and security of the service.

The following data categories are affected when you register as a user:

- your details when using the service:
  - first name and last name,
  - (preferably official) e-mail address,
  - password (if 'single sign-on' is not used),
  - optional: further contact details, professional role, profile picture,
  - also in the case of students and employees: login information from the University's identity management system uniKIM,

regularly also the following data during your use of the service:

- meeting metadata (technical information on use):
  - topic, description (optional),
  - participant IP addresses and device/hardware information (e.g. IP address, certain data about your terminal device).
- meeting content data: the communication content you provide (e.g. verbal utterances, camera image, chat messages).
- only when dialling in via phone (optional): telephone usage data
  - caller's phone number, country, IP address, 911 address (registered service address), start and end time, host name, host email address, MAC address of the device used.

With regard to usage data and its processing by Zoom on behalf of the University, please also see Zoom's privacy policy: [https://explore.zoom.us/docs/de-de/privacy.html#\\_fialmrffhhsa](https://explore.zoom.us/docs/de-de/privacy.html#_fialmrffhhsa)

In order to enable the display of video and the playback of audio, data from the microphone of your terminal device and from any video camera of the terminal device are processed during the period of use. You can turn the camera or microphone on or off yourself at any time via the Zoom app.

If it is necessary for the purposes of recording results (e.g. during examinations or committee meetings), recording and logging may take place. You will be informed of this, as well as the subsequent use of the recording, in advance of the meeting and will be able to recognize the recording function during the meeting. If a Zoom service is recorded, video, audio, and presentation recordings are created, additional audio recordings are created according to functionality (MP4 file of all video, audio, and presentation recordings, M4A file of all audio recordings), as well as a text file of the online meeting chat.

When dialling in by phone, incoming and outgoing call numbers, country name, start and end time, and possibly further connection data such as the IP address of the device are stored.

Zoom's software-based attention monitoring ('attention tracking') has been deactivated for all Zoom accounts with an @uni-koeln.de email address.

### **Purpose and legal basis of data processing**

The purpose of the data processing is to enable phone/video communication as a replacement for face-to-face meetings and events at the University, or to limit the number of participants in face-to-face meetings during the duration of the coronavirus/COVID-19 pandemic, in particular concerning lectures, oral examinations, committee meetings, and official meetings. Such meetings are indispensable to ensure operations necessary for the University to fulfil its duties under higher education law. As it is imperative to avoid personal contacts during the pandemic, Zoom-supported communication serves as a substitute.

The legal basis for data processing is

- for employees of the University and job applicants, Art. 6 Para. 1 Sentence 1 Letter b or e GDPR in conjunction with Section 18 DSG NRW (initiation/execution of the employment relationship),
- for students in the case of courses without compulsory attendance and oral examinations, Art. 6 Para. 1 Sentence 1 Letter a GDPR (consent of students, esp. examinees),
- for business partners of the University, Art. 6 Para. 1 Sentence 1 Letter b GDPR (initiation/execution of contracts), and
- in all other cases, Art. 6 Para. 1 Sentence 1 Letter e GDPR (necessary to ensure the proper operation of the University as a fulfilment of tasks under higher education law according to the Higher Education Act of North Rhine-Westphalia (HG NRW), in particular under the conditions according to Section 82a HG NRW).

For the duration of the coronavirus/COVID-19 pandemic, the provision of the required personal data and the use of Zoom to fulfil their official duties is obligatory for employees of the University. The same applies to students who are required to be present. Otherwise, the use of Zoom is currently voluntary for students and especially examinees in courses without compulsory attendance and oral examinations. If students do not wish to use this tool, the examination will be rescheduled for a time when attendance is possible again or an attempt will be made to enable participation in a later course. After the end of the pandemic-related contact restrictions, use may be obligatory for other reasons, e.g. on the basis of a university regulation or service agreement.

Automated decision-making (e.g. profiling) does not take place when using Zoom.

### **Recipients of personal data**

Your personal data will be processed as described above and transmitted to Zoom for this purpose. This is mandatory, as Zoom provides its services to the University as 'Software-as-a-Service', i.e. as a technical service on servers outside the University. Zoom acts as a processor for the University, i.e. Zoom is obliged by a processing contract to use personal data only for the purposes of the University and not for its own business purposes.

In this context, personal data is also transferred to servers with locations outside the EU (third-country transfer). This is permissible because Zoom has concluded so-called standard data protection clauses with the University in the context of commissioned processing, which, according to Article 46(2) lit. c) GDPR provide appropriate safeguards for the protection of data subjects' rights and legitimize the third-country transfer.

If you would like to find out more about the background and view these standard data protection clauses, you can find the contract annex for commissioned processing ('Addendum') at [https://zoom.us/docs/doc/Zoom\\_GLOBAL\\_DPA.pdf](https://zoom.us/docs/doc/Zoom_GLOBAL_DPA.pdf) and the standard data protection clauses here: [http://data.europa.eu/eli/dec\\_impl/2021/914/oj](http://data.europa.eu/eli/dec_impl/2021/914/oj).

Zoom in turn uses subcontractors in the provision of its services. When using them, the same level of data protection applies as that contractually agreed with Zoom and required in accordance with the provisions of the GDPR. The modules can be found in the addendum indicated above, and the current list of subcontractors can be found here: <https://zoom.us/de-de/subprocessors.html>.

The University considers the level of data protection contractually agreed with Zoom to be adequate, both in terms of transmission channels and data processing at the recipient. Users can achieve a higher level of protection in particular by using pseudonyms and data-saving profile settings and by using a VPN connection. If the meeting context results in an increased risk for data subjects (e.g. due to content subject to Art. 9 of the GDPR), other video conferencing systems are available.

Apart from that, no personal data is transmitted in a standardized manner. If data is processed in the manner described above, it may be transmitted to internal or external recipients, e.g. to examination offices or law enforcement agencies, in cases of special need and on the basis of legal permission or obligation.

### **Storage duration**

The services are usually preset so that no communication content (incl. chat) is stored.

In exceptional cases, communication content may be recorded by the moderator if this is necessary for the purposes described above. If recording and logging takes place, your data (video, audio data, questions, and chat contributions) will be stored on Zoom servers and deleted after 30 days at the latest. Subsequent storage on University servers is determined according to the general rules in line with the subject-specific retention period.

All other categories of personal data are stored by Zoom as a processor for as long as is necessary to provide the technical service and its billing.

If you have registered as a user with Zoom (e.g. for the purpose of using the mobile app), reports on 'online meetings' (meeting metadata, telephone dial-in data, questions and answers in webinars, survey function in webinars) may be stored. Zoom is the sole responsible party for this data and is obliged to provide information.

### **Data subjects' rights**

As a data subject, you have the right to

- information from the data controller about the personal data concerning you
- rectification of your data
- deletion of your data
- restriction of the processing of your data
- data portability

If Zoom is used to fulfil tasks required by the University, you also have the right to object to the processing of your data in accordance with Article 21 of the GDPR (right to object).

In individual cases, these rights may be restricted by the GDPR. This is usually the case if the data processing is necessary for the fulfilment of a task in the public interest or due to a legal obligation.

If you have consented to using Zoom, you have the right to revoke your consent at any time with effect for the future. The data processing based on the consent up to the time of the revocation remains lawful.

You can preferably assert the aforementioned rights with the above-mentioned competent body.

You also have the right to complain to a supervisory authority. The supervisory authority for the responsible party is the North Rhine-Westphalia State Commissioner for Data Protection and Freedom of Information ([www.lidi.nrw.de](http://www.lidi.nrw.de)).